

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL



DATE: September 30, 2009

TO: Marchant Schneider, Project Manager, Department of Planning

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator

FROM: Amy Lohr, Planner, Zoning Administration

CASE NUMBER & NAME: SPEX 2009-0020/CMPT 2009-0006
Loudoun Water – Water Storage Facility

TAX MAP/PARCEL NUMBER (PIN): Portion of 61/29 (114-25-6156)

Staff has reviewed the referenced **special exception (SPEX)** and **commission permit (CMPT)** applications to include the materials identified on the transmittal sheet dated July 30, 2009. The subject property is zoned Mineral Resource-Heavy Industry (MR-HI) under the Revised 1993 Loudoun County Zoning Ordinance. The applicant seeks special exception and commission permit approval for a water storage tank per Sections 3-1004(CC) and 6-1101(A). The following issues have been identified.

A. CRITICAL ISSUES

1. **Section 3-1005(E), Yards.** No structure or use shall be located within fifty (50) feet of any property line. Delineate and label the required 50-foot yard on the special exception plat (sheet 4). The special exception plat currently illustrates a varying yard adjacent to the W&OD Trail, with the limits of special exception extending as close as 13.37 feet to the property line. Based on aerial photography, however, the pit wall does not appear to extend this close to the property line. Staff recommends the limits of special exception be revised to maintain 50 feet from all property lines, so that it is clear no use will be within 50 feet of any property line. Finally, sheet 3 indicates a proposed modification to this section. Please be advised that MR-HI district regulations may not be modified (see Section 6-1504). Staff recommends this request be removed from the application. Should the applicant need to request a yard of less than 50 feet, the proper application is a variance to the Board of Zoning Appeals, pursuant to Section 6-1600.
2. **Section 4-1506, Special Exception Uses.** The limits of special exception for the proposed use include areas of both major and minor floodplain. The permitted use list of the Floodplain Overlay District (Section 4-1505) does not include water storage tank. However, the Board of Supervisors may approve certain uses and structures by special

exception, subject to Sections 6-1300 and 4-1507, including “structures or uses required for the operation of a public utility,” listed in Section 4-1506(D). Therefore, a special exception is also required to allow the proposed use in the Floodplain Overlay District. Please provide a justification addressing Sections 6-1300 and 4-1507.

B. OTHER ISSUES

1. **Section 6-1310(D)** - *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.* Staff recommends a condition of approval requiring the downward directed lighting noted by the applicant in the statement of justification (p. 5).
2. **Section 6-1310(F)** - *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* Currently, there is mature vegetation surrounding portions of the special exception area, which screens the proposed use and appears more intensive than the required type 4 buffer in some areas. However, as the proposed time frame is 2017 to 2020, staff questions the long-term viability of the current vegetation. Staff recommends coordination with the County Urban Forester to develop a condition of approval ensuring that existing vegetation will continue to thrive and provide for adequate screening in the future.
3. **Section 6-1310(H)** - *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.* Staff defers to the Environmental Review Team for comment on the impact to existing animal habitat, vegetation, water quality and air quality.
4. **Section 6-1310(J)** - *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* The statement of justification references access from Belmont Ridge Road to the water storage use, but access is not clearly articulated on the plat. On sheets 1, 2, and 4, revise the limits of special exception to include the access road from Belmont Ridge Road to the water storage use.

Additionally, staff questions whether the applicant intends to use the tunnel under the W&OD (between the subject parcel and Quarry B to the south) as secondary and/or emergency access to Belmont Ridge Road. If so, this secondary access should also be identified on the plat and included in the limits of special exception. Any additional parcels on which the special exception use is located would need to be added to the application.

5. **Section 6-1313, Period of Validity.** The Ordinance specifies a period of validity of 5 years from the date of special exception approval. Given the applicant’s time frame for implementing the proposed use, staff suggests a longer period of validity be specifically approved as part of this special exception application.

6. **Article 8, Definitions.** Article 8 defines “Water Supply System, Central” as “The water supply system for Eastern Loudoun County owned and operated by the LCSA for which the source of water is purchased from the City of Fairfax and County of Fairfax water supply system.” Since the ultimate goal is to discontinue purchasing water from other entities, this definition should be revised with a future Zoning Ordinance Amendment.
7. **Section 3-1003, Permitted Uses.** Note 8 on sheet 4 states future improvements may include a pump station on the property. Per Section 3-1001(AA), a “water pumping station” is permitted in the MR-HI district. However, staff questions the location of such water pumping station in relation to the floodplain and steep slope areas on the property.
8. **Section 3-1007(D), Utility Requirements.** All utility distribution lines in the MR-HI district shall be placed underground. Revise general note 11 on sheet 1 to specify compliance with this provision.
9. **Section 4-1503, Definitions. (G) Utility Lines in the Floodplain.** The application references the installation of water lines to implement Loudoun Water’s Central Water Supply System. In the context of Section 4-1500, Floodplain Overlay District, utility lines in the floodplain has the following meaning: “Storm sewers, sanitary sewers, water lines and similar lines running generally parallel and perpendicular to the flow of the drainageway.” Utility lines are permitted uses in the floodplain per Section 4-1505(A)(5).
10. **Section 5-621, Public Utilities.** Section 5-621(B) requires public utilities to have a minimum type 4 buffer yard. Sheet 3 notes a modification of this section to allow existing buffer yards for the quarry to remain. Requirements of Section 5-600 may be modified by Minor Special Exception in accordance with Section 6-1300. While a modification is noted on sheet 3, the rest of the application does not include a Minor Special Exception to modify Section 5-621. Staff recommends the applicant install any supplemental plantings that may be necessary to achieve a type 4 buffer, as opposed to modifying this section.
11. **Section 5-1100, Off-Street Parking and Loading Requirements.** For the purposes of off-street parking requirements, the use is most similar to governmental uses and shall be parked at a rate determined by the Zoning Administrator. Please provide at least one space per employee. Show the general location of parking on the special exception plat and revise the parking tabulation on sheet 3 and note 5 on sheet 4 to specify the rate cited herein.
12. **Section 5-1508, Steep Slope Standards.** On sheet 2, soils note 2 states steep slopes within the special exception area are the result of on-going quarry/mining operations. Staff notes that steep slopes areas are shown on sheets 2 and 4 outside of the special exception area. Staff questions whether any of these steep slope areas are naturally occurring, especially those is close proximity to Goose Creek. If so, disturbance of such slopes is subject to Section 5-1508. The application references the installation of water lines to implement Loudoun Water’s Central Water Supply System. To be permitted in very steep slope

areas, water lines must be located within or directly adjacent to the right-of-way of existing or approved roads, as listed in Section 5-1508(D)(1)(c)(vii). Therefore, the applicant is advised to review the locations of any proposed water lines through naturally occurring very steep slope areas for compliance with Section 5-1508.

13. The statement of justification and general note 3 (sheet 1) specify different time frames for the quarry operations. The statement of justification states 2017-2020, while the plat note states 2015-2020. Please reconcile these differences.
14. On sheets 2 and 4, the scale 1" = 120'. For ease of review, please revise these sheets to use a scale that can be measured using a standard engineer's scale.
15. On sheet 3, in regard to Section 3-1007, please delete letter (E), as this section pertains to stone quarrying.
16. On sheet 3, in regard to Section 5-900, the section references are incorrect. Letter (A) should be "Building and Parking Setbacks from Roads." Letter (B) should be "Building Setback From W&OD Trail" and letter (C) should be "Access from major roads." Revise sheet 3 accordingly.
17. On sheet 4, please revise the legend to show the symbols for moderately and very steep slope areas.
18. The statement of justification (p. 2 & 3) indicates that a water treatment plant is to be constructed on the Property. It is staff's understanding that the water treatment plan is proposed on parcel 61/15. Please revise the statement of justification accordingly.
19. The statement of justification (p. 4 & 6) makes reference to full visibility of the water storage use from the W&OD Trail. Please review these statements for accuracy.